

Amendment under 37 CFR 1.111  
Serial No. 09/395,935  
Attorney Docket No. 991014

### **REMARKS**

Claims 1 – 9 and 13-28 are pending in the present application, of which claims 2-9, 13-21 and 28 have been withdrawn from consideration. By this Amendment, claims 1, 23, 26, and 27 have each been amended and claim 22 has been cancelled. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated April 7, 2005.

### **Allowable Subject Matter:**

Applicants gratefully acknowledge the indication on page 7 of the Action that claim 25 is allowable.

### **As to the Merits:**

As to the merits of this case, the Examiner relies on the newly cited reference of Hatano (U.S. Patent Publication No. 2003/0133035) in setting forth the following rejections:

- 1) claims 1 and 27 stand rejected under 35 USC 102(e) as being anticipated Anderson (U.S. Patent No. 6,177,958); and
- 2) claims 22-24, 26 and 27 stand rejected under 35 USC. '102(e) as being anticipated by Hatano.

Each of these rejections is respectfully traversed.

First, the technical content of the image pickup apparatus according to the invention will be described in accordance with construction of amended claim 1.

In the image pickup apparatus according to the invention, “normal taking mode”, “forced wide dynamic range taking mode”, and “automatic wide dynamic range taking mode” are included as the image taking modes. These image taking modes are selected and set by the will of the user through a taking mode selection setting means (mode setting button 30 in the embodiment).

When “automatic wide dynamic range taking mode” is set in such selection process of image taking mode, an automatic wide dynamic range taking control means corresponding to the automatic wide dynamic range taking mode is to automatically control ON/OFF of generation processing of a wide dynamic range synthesized image by determining whether or not it is suitable for wide dynamic range image taking based at least on an information set for the image taking among object information or information set for the image taking.

In other words, even when “automatic wide dynamic range taking mode” is selected in the selection process of image taking mode, it is not necessary that a wide dynamic range, synthesized image be immediately generated. A wide dynamic range, synthesized image may or may not be generated. The ON/OFF control of generation processing of the wide dynamic range, synthesized

image is automatically effected by determining whether or not it is suitable for wide dynamic range image taking based at least on an information set for the image taking.

The feature of the present invention in determining whether or not a wide dynamic range, synthesized image is to be produced is that: the selection of image taking mode is effected at the image taking mode selection means with at first primarily reflecting the will of the user; and such determination is finally made by effecting ON/OFF control with then secondarily reflecting for example an information set for the image taking by means of the automatic wide dynamic range taking control means. With this feature, a wide dynamic range, synthesized image in favorable condition can be produced at the same time of improving the user's convenience.

In the one disclosed in Anderson, by contrast, either “SSC automatic mode” or “manual SSC mode” is selected through operation of soft key 616. With “SSC automatic mode”, a wide dynamic range, synthesized image is unavoidably generated (column 10, lines 36 to 60 of Anderson). With “manual SSC mode”, the user is required to select whether or not a wide dynamic range, synthesized image is to be generated (column 10, lines 61 to 65 of Anderson).

When the invention is compared with the one disclosed in Anderson, there are clear differences at least in the following two points.

First, the operation of “soft key 616” in Anderson for selecting one or the other of “SSC automatic mode” and “manual SSC mode” corresponds to the operation of “image taking mode selection setting means” in the invention. It is clear that such “soft key operation” does not correspond to “information set for the image taking” in the present invention which becomes a basis for ON/OFF control of generation processing of a wide dynamic range, synthesized image at the automatic wide dynamic range taking control means. It is submitted that the recognition by the Examiner regarding this point is incorrect.

In the invention, “image taking modes” to be set at the image taking mode selection setting means (corresponding to modes to be set by soft key operation in Anderson) and “information set for the image taking” to be used in ON/OFF control of generation processing of a wide dynamic range, synthesized image at the automatic wide dynamic range taking control means in the case where the automatic wide dynamic range taking mode is selected as the taking mode are totally different from each other.

Secondly, in “SSC automatic mode” of the one disclosed in Anderson, a wide dynamic range, synthesized image is unavoidably generated. Further, in “manual SSC mode”, the user selects whether such a synthesized image is to be generated or not. Both are different from “automatically controlling ON/OFF of generation processing of a wide dynamic range, synthesized image by determining based at least on an information set for the image taking whether it is suitable for

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wide dynamic range image taking or not” as in the automatic wide dynamic range taking control means of the present invention.

No disclosure is made at all in Anderson with respect to an automatic wide dynamic range taking control means for effecting such control. Further it is clear that Hatano, another cited reference, also fails to disclose such construction.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

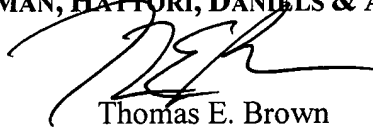
If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants’ undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'TEB', is written over the printed name of Thomas E. Brown.

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